

(G.C.P.)J 455 (5,00,000)-11.2001)

Spl-H.C.,A.S.,C.D.,78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE
Criminal Application No.6340 of 2005
In
Criminal Appeal No.865 of 2005

Office Notes, Office Memoranda
of Coram, appearances, Court's
order or directions and
Registrar's order.

Court's or Judge's orders

S/Shri Shahid Azmi & Raina Bhatta for the
appellant.

Shri A.S.Gadkari, APP for the respondent.

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CORAM: R.M.S.KHANDEPARKAR
&
R.S.MOHITE, JJ

DATED: 14th DECEMBER, 2005.

P.C.

1. Heard the learned advocate for the
appellant as well as the learned APP for the
respondent.

2. Perusal of the records prima facie
discloses that the so called materials
against the appellant comprise of recovery
of a weapon used in the offence as well as
in the identification parade. However, even
the learned Sessions Judge appears to have

been disbelieved the recovery of weapon used in the offence and prima facie the identification parade appears to be a sham one in this case. Besides, the other accused have already been granted bail on 26th August, 2005, 23rd September, 2005 and 29th September, 2005. We therefore do not find any difficulty in releasing the applicant on bail. In fact, in the facts and circumstances of the case, the applicant has made out a case for grant of bail during the pendency of the appeal and therefore, the applicant is directed to be released on bail in the sum of Rs.20,000/- with one or two sureties to make up the amount. The application stands disposed of accordingly.

(R.M.S.KHANDEPARKAR, J)

(R.S.MOHITE, J)